

REAL ESTATE SECTION

Real Estate is one of our more obvious customers in the plat process. One of the goals of the R/W Support Unit is to help the Design Section address Real Estate's concerns so that we can achieve our common goal - to acquire the property necessary to construct the project as expeditiously as possible.

THE FOLLOWING IS A LIST OF ITEMS REAL ESTATE COMMONLY HAS CONCERNS WITH:

- 1) More focus on design with regards to drainage and driveway profiles, prior to the plat being completed. A lot of plat revisions occur because of design problems in these two areas.
- 2) The designer must consider whether the project will involve access control. This should be done early in the process, well before the Right of Way Plat Complete (RPC) date. In the past, revisions to the plat have been made to include access control. The designer should check the State Access Control Plans in the District Planning Section early in development to determine access control needs. If access control will be considered, a meeting should be held with planning and if necessary schedule a field review.
- 3) More emphasis needs to be placed on showing topography that is pertinent to the appraisal process (items such as septic vents, fencing, landscaping, etc.). It would be an excellent idea to schedule a field review of the project with one of the Real Estate staff so that the "team" can work towards providing all the pertinent information on the plat. This should be done early in the design process.
- 4) Real Estate is finding many errors on legal descriptions. **Designers** need to do a better job of checking the legals and ensuring that the "*WRITTEN BY / CHECKED BY*" stamp is included so the Real Estate agent knows who to contact when they find these errors.
- 5) Real Estate needs to review a print of the preliminary plat after placement of the new R/W and Easements; **AT LEAST 60 days prior to the RPC date** on most projects.
- 6) A field review of the project with the Real Estate agent is an excellent tool for bringing focus to both Real Estate and Design concerns. The preliminary plat stage is a good time to schedule this initial field review. Future Real Estate/Design field reviews may be necessary to resolve issues that arise during the appraisal or negotiation process.

7) The Construction Commitment, shown on **page 10-3**, is a form that allows the property owner to have input into the project. For example - during negotiations the property owners may indicate that they would like to have their field entrance in a particular location. The Real Estate agent would then fill out a Construction Commitment form reflecting the owner's request, and obtain the property owner's signature on the form. The Real Estate agent would bring the commitment to the Project Manager and request that the commitment be reviewed to see if the request is compatible with the design of the project. One copy of the commitment is given to Utilities to ensure it doesn't create a utility conflict, one copy goes to Design, and one copy stays in Real Estate. If everyone is in agreement, the Design Supervisor signs the commitment. When the project goes up for PS&E, Real Estate sends all of the Construction Commitments associated with the project to Construction, so they are aware of their responsibilities to the property owners located on the project. These commitments are one of the best opportunities the Department has to put our "Good Neighbor Policy" into practice.

8) When discussing Plat/Real Estate issues with a consultant that is developing a right of way plat, make sure to request a copy of their documentation relating to the discussion. This documentation should be routed through the Real Estate Section prior to being sent to files. This extra effort will avoid misinterpretation of the information the District provides the consultant.

Statement to Construction Engineer of Commitments Made and
Other Matters of Interest Developed During Acquisition
R22004 102 08/04/99a Date:

Wisconsin Department of Transportation

Distribution: White - Project Engineer, Canary - Parcel Folder, Pink - Owner

Owner Name:	Address:	Telephone Number:
Mark J. & Claudia C. Orvis	N1682 Hwy 113 Lodi, WI 53555	608/592-4377
Taxmap, E. Any	Address:	Telephone Number:

All of the commitments agreed upon between the negotiator and the property owner are listed below.
No other commitments, either verbal or implied, are valid.

Commitments Made: (Fences, driveways, trees, drainage or other matters of interest)

1. Property owner is concerned about the final grading of the TIE area. The project engineer shall contact the property owner & closely coordinate with them the work in this area.
2. All grassed areas disturbed by construction shall be seeded by the contractor.

Commitments Approved

CLRO 2-16-93
Walter H. H. H. Design Supervisor
(Title)

Other Matters of Interest

Project 5640-03-21

Parcel 4

Plat vs. Plan

When the total Real Estate and Utility interest acquisition for a project is expected to be less than \$1000, the statutes do not require a Relocation Order, and the proposed R/W can be graphically depicted on the plan.

Wisconsin Statute 32.05(1)(b) allows for an exception to the Relocation Order requirement for certain projects under \$1000. It states: "No relocation order is necessary under par. (a) if the compensation, as estimated by the appraisal under sub. (2)(a) will be less than \$1,000 in the aggregate." Such projects also do not require a standard r/w plat. The acquisition interests can instead be identified on the construction plan, if so desired. These exceptions apply even with projects that involve parcel condemnations. The process for such projects is as follows:

- The District will assign a unique Real Estate Project ID (as is done with typical projects of \$1,000 or more) for project's that meet the criteria as defined above,
- A Relocation Order is not required to charge 5550 acquisition costs to the unique Real Estate Project ID assigned to such a project.
- The District will complete and submit a Project Cost Allocation Form DT 1532 to the Bureau of State Highway Programs (BSHP) to authorize the project for encumbrance purposes. The district should make a note in the form's Project Concepts box that this project is under \$1,000 in total aggregate and meets the criteria of **Wis. Stat. 32.05(1)(b)**.
- Only the first Project Cost Allocation form that accompanies the original r/w plat will need to be signed by District Planning and Real Estate. For revisions, the DT 1532 form will not require signatures. When funding changes are involved, however, the accompanying Contract Change Order will still require an appropriate signature.
- Districts will identify such projects in READS by specifying the "under \$1,000" choice in the Project Type field found on the first line of the Project/Cost Allocation Screen.

The Real Estate Section and the Utility Unit will advise the Project Development Unit whether or not the project will fit the criteria for doing this. If Real Estate and the Utility Unit feel confident that a R/W plat is not required, then all the information necessary to acquire the R/W would be shown on the plan and profile sheets. When the PS&E is ready for submittal, single matte mylars should be made of the applicable plan sheets for permanent storage.

Early Acquisition Process

Occasionally, a District may need to acquire real estate earlier than normal to allow it to bring a project's **PS&E** to a stage ready for letting as soon as possible. The completion of the environmental process or other circumstances, however, can sometimes cause unnecessary

delays. Typically, right of way acquisition is not allowed to begin until after the environmental document is complete and the Design Study Report is approved. This process is intended to provide a means for Districts to get a head start on projects, with no federal funds in the right of way, assuming certain criteria have been met.

Criteria

The Early Acquisition Process allows the acquisition of right of way prior to **DSR** approval or completion of the environmental analysis process provided that all of the following criteria have been met.

1. The environmental process has been initiated and is well on its way to completion.
2. There is no issue, problem or controversy involved in the concept or alternatives of the project or none regarding the parcel.
3. The advanced acquisition of the property(s) did not influence the decision relative to the need to construct the project or the selection of the alternative.
4. The acquisition process follows standard procedures for plats, relocation orders, relocation plans (if required), etc. Under this process, the relocation order can be approved prior to the Design Study Report.
5. The acquisition complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
6. The acquisition complies with Title VI of the Civil Rights Act of 1964.
7. The acquisition does not include lands protected by Section 4 (f) of the DOT Act. Parcels impacted by Section 4 (f) cannot be acquired until an environmental document has been approved.
8. The final project meets all requirements for a normal federal-aid project such as compliance with NEPA, Historical Preservation Act, Endangered Species Act, Wetlands Executive Order, etc.
9. The early acquisitions are not being used to circumvent Federal laws or regulations.

Approval Authority

District's do not need the Division of Transportation Infrastructure Development's (DTID) concurrence to utilize this procedure but both the Bureau of Highway Development and Highway Real Estate should be advised of which projects are being acquired under this process.

R/W Plat and Relocation Order Requirements for Hardship or Protective Purchases

Statutes require that a Relocation Order and "a map or plat showing the old and new locations and the lands and interests required" be approved prior to acquiring a property for transportation purposes.

That same requirement holds true for those parcels, which are to be acquired prior to the project's normal acquisition schedule due to hardship or protective reasons. As a rule, such plats or maps should meet the development standards laid out in the [Facilities Development Manual \(FDM\) Chapter 12, Section 1, Subsection 1](#).

An exception to that rule is allowable, however, in those advanced acquisition cases where the "entire" property is acquired for the highway project. In total-take situations, the District may opt to use a simple sketch or map in lieu of the more traditional r/w plat.

Note: Partial acquisitions still require a standard r/w plat. The map must include the following information.

- **Project ID number**
- **Owners name**
- **Type of interest required (i.e. fee, easement, etc.)**
- **Total acreage or area of subject**
- **Subject's property lines**
- **Township, village, city or county name**
- **Section, Town and Range**
- **Certified Survey Map or outlot number, if available**
- **North arrow**
- **Scale**

A county plat book map, certified survey map ([CSM](#)), tax map or subdivision plat may be used as the base vehicle, when appropriate. In such cases, the District need only add those items such as the project ID, type of interest, etc. that are not already indicated on the map being used. The subject property area should be highlighted or outlined.

A copy of an appropriate exhibit showing the selected highway or project location and its relationship to the property, and a statement describing the location or alignment selection decision (i.e. alternative chosen, when, by whom, etc.) should also be included with the request.

It must be understood that these hardship/protective purchase acquisition maps are only an interim tool to allow for the early purchase of the property. These parcel maps must eventually be incorporated into the project's final r/w plat, which will be filed with the County Clerk (or eventually recorded with the Register of Deeds when legislation is complete).

Project Acquisition Time Line Guidance:

Perhaps the single most significant challenge to the Real Estate Unit a short time line to accomplish the acquisition of parcels on a highway project.

Shortened acquisition time lines can, and do, cause numerous problems to include -

- Reduced customer service to property owners
- Increased acquisition costs
- Increased utility relocation costs
- Increased construction costs due to the inability of utilities to meet their time lines
- Increased litigation expenses
- Increased staff stress

Towards that end, the following charts are to be used to estimate the time needed for acquisitions for small (less than 10 parcels), medium (11 to 50 parcels) and large projects (more than 50 parcels).

It should be noted that these time lines may be adjusted depending on the complexity of the project. That is to say that a project of 60 nominal parcels requiring only the acquisition of temporary interests (TI's) would, in most cases, take less time than say a project with 30 parcels where there is significant fee acquisitions required. Conversely, a project where there is 10 fee acquisitions including one or more residential and/or business relocations could take longer than a project with 50 strip acquisitions. Acquisition time lines should be confirmed with the Real Estate unit when the project plat is at the "Preliminary Plat" stage, or as soon as the parcels and amount of lands and interests needed to be acquired have been identified, to ensure that the project can be delivered by Real Estate on schedule.

Early and constant communications between the Project Manager and the Real Estate Unit cannot be over emphasized with regards to scheduling real estate acquisitions. The following charts are intended to be a guide, not a substitute for involving real estate in the planning process.

Additionally, Project Managers, and consultants preparing ROW Plats, must understand that failure to deliver ROW Plats on time will negatively effect their ability to meet their PS&E dates.

TIMELINE FOR SMALL PROJECTS (10 parcels or less to be acquired)

	6 Months						12 Months						18 Months						24 Months					
Real Estate receives signed Plat and completed Plan, Profile & X-sections																								
Project Estimate and Central Office Approval of Relocation Order	4-6 Weeks																							
Order Title Report updates and receive completed reports	Up to 4 Months																							
Survey lead time and Project Staking prior to starting appraisals		1 - 3 Months																						
Request Proposals and Bids form Consultants and Contract Approval		1 - 3 Months																						
Appraiser meets with property owners and prepares appraisal reports			4 - 10 Months																					
Appraisals reviewed and offering prices approved							1 - 4 Months																	
Nominal values established, offering prices approved and begin negotiations							1 - 4 Months																	
Offering prices presented to property owners							3 - 6 Months																	
60-days from last offering price to date J.O. can be issued													2 Months											
20-days from J.O. to issuance of Award of Damages plus Vouchering														4-6 Weeks										
Relocation Assistance (Residential)							6 - 9 Months																	
Relocation Assistance (Business)							6 - 10 Months																	
ROW Cert. 1 Status Submitted																2-4 Weeks								

Sep. 16, 2002

TIMELINE FOR MEDIUM PROJECTS (11 to 50 parcels to be acquired)

	6 Months						12 Months						18 Months						24 Months						30 Months												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30							
Real Estate receives signed Plat and completed Plan, Profile & X-sections																																					
Project Estimate and Central Office Approval of Relocation Order	4-6 Weeks																																				
Order Title Report updates and receive completed reports		3 - 8 Months																																			
Request Proposals and Bids from Consultants and Contract Approval		3 - 4 Months																																			
Survey lead time and Project Staking prior to starting appraisals			1 - 3 Months																																		
Appraiser meets with property owners and prepares appraisal reports					5 - 14 Months																																
Appraisals reviewed and offering prices approved							5 - 12 Months																														
Nominal values established, offering prices approved and begin negotiations							4 - 6 Months																														
Offering prices presented to property owners							6 - 14 Months																														
60-days from last offering price to date J.O. can be issued																					2 Months																
20-days from J.O. to issuance of Award of Damages plus Vouchering																								4-6 Weeks													
Relocation Assistance (Residential)									9 - 12 Months																												
Relocation Assistance (Business)									12 - 14 Months																												
ROW Cert. 1 Status Submitted and Site Clearance Activities																									1 to 3 Months												

Sep. 16, 2002

TIMELINE FOR LARGE PROJECTS (50 or more parcels to be acquired)

	6 Months						12 Months						18 Months						24 Months						30 Months					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Real Estate receives signed Plat and completed Plan, Profile & X-sections																														
Project Estimate and Central Office Approval of Relocation Order	4-6 Weeks																													
Order Title Report updates and receive completed reports	4 - 10 Months																													
Request Proposals and Bids from Consultants and Contract Approval	3 - 4 Months																													
Survey lead time and Project Staking prior to starting appraisals			1 - 3 Months																											
Appraiser meets with property owners and prepares appraisal reports					5 - 20 Months																									
Appraisals reviewed and offering prices approved							5 - 18 Months																							
Nominal values established, offering prices approved and begin negotiations							4 - 10 Months																							
Offering prices presented to property owners							6 - 16 Months																							
Relocation Assistance (Residential)							9 - 16 Months																							
Relocation Assistance (Business)							12 - 18 Months																							
60-days from last offering price to date J.O. can be issued																									2 Months					
20-days from J.O. to issuance of Award of Damages plus Vouchering																										4-6 Weeks				
ROW Cert. 1 Status Submitted and Site Clearance Activities																											1 to 3 Months			

Sep. 16, 2002

THE RIGHT OF WAY CERTIFICATION PROCESS

Purpose

The purpose of this section is to provide an overall understanding and explanation the certification of real estate for a highway or highway-related projects in which federal and/or state funds will participate in the cost of the construction project. There are four categories of funding

1. State funds in acquisition and construction
2. Federal funds in acquisition and construction
3. State funds in acquisition, Federal funds in construction
4. City and/or County funds in acquisition, State and/or Federal funds in construction

Reporting Lead Time

The districts are required to submit to the Bureau of Highway Construction (BHC) a Plan, Specifications and Estimate (PS&E) for projects scheduled for contract letting. See the [Facilities Development Manual \(FDM\) Procedure 19-1-1](#). A copy of the Certificate of Right of Way(R/W) [Form RE5005](#) must be included with every [PS&E](#) exhibit transmitted. This will allow BHRE and BHC to evaluate the potential of real estate clearance by the date of advertising. It will also allow time to determine what action is necessary to accomplish the acquisition or to decide whether or not the project should be deferred to a later letting.

Responsibilities

The Division of Transportation Districts (DTD) is responsible for ensuring that right of way on all projects has been acquired and cleared for letting. They must furnish to the appropriate Central Office bureaus the [PS&E submittal memos](#) and accurate, up-to-date Certificates of R/W **prior to the Ad Meeting** if projects are to remain in letting and be awarded for contract. Ad Meetings are held by Central Office to determine which projects are ready for letting.

The Division of Transportation Infrastructure Development (DTID), BHRE will monitor projects and send a final reminder two weeks before the Ad meeting date to notify districts of any "at risk" projects that are in jeopardy of being pulled from the letting because of certification problems.

Prior to authorization to advertise for physical construction of any Federal, State or Local Public Agency project, a PS&E must be approved and the District must submit a Certificate of R/W that ensures:

1. All permanent and temporary interests have been acquired, and right of way is clear (or arrangements have been made for it to be undertaken and completed). If completion of such work is not feasible in advance of construction, appropriate notification must be included in the bid proposal of any work to be completed concurrently with highway construction.
2. All individuals and families have been relocated to decent, safe and sanitary housing.
3. Right of Way has been acquired in accordance with FHWA directives.
4. Relocation assistance and payment rules of FHWA have been followed.

5. Acceptable certification status has been obtained. (See the following Certification Status definitions).

Certification #1 - Let and Award: All necessary rights/interests, as shown on the right of way plat and/or Construction Plan, have been obtained including legal and physical possession. There may be cases that have been appealed or cases pending in court but legal possession has been obtained. There may be some improvements remaining on the right of way but all occupants have vacated the lands and improvements. DOT has physical possession and the right to remove, salvage or demolish these improvements and enter on all land.

Certification #2 - Let and Award but followup necessary: Although all necessary rights of way have not been fully acquired, the right to occupy and use all rights of way required for the proper execution of the project have been acquired (negotiation must be initiated). Trial or appeal of some parcels may be pending in court and on other parcels. Full legal possession has not been obtained but a Temporary Right of Entry Easement has been obtained. The occupants of all lands and improvements have vacated. DOT has physical possession and the right to remove, salvage or demolish these improvements.

Certification #3 - Let with Special Provisions, Let but Hold Award, or Defer (Followup necessary in all cases): The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with both Federal and State directives covering the relocation assistance program. For parcels not clear at the time the PS&E was submitted, an updated certification must be received by BHRE no later than 50 days after the PS&E due date. The certification must show the parcels not yet acquired, the anticipated acquisition dates, the anticipated Jurisdictional Offer filing dates, etc.

Let with Special Provisions: The district may request authorization to advertise for bids and proceed with physical construction where acquisition or the right of occupancy and **Real Estate** use of a few parcels has not been obtained. A full explanation and the reasons therefore, including identification of each such parcel, along with a realistic date when physical occupancy and use is realistic, is required. Appropriate notification will be provided in the bid proposals identifying all locations where the right of occupancy and use has not been obtained and specifying the dates we expect them to be obtained. The physical construction may then also proceed, but the District must ensure that occupants of all residences, businesses, farms, or non-profit organizations, who have not yet moved from the right of way, are protected against unnecessary inconvenience and disproportionate injury or any actions coercive in nature. The District may request authorization on this basis only in very unusual circumstances. This exception will never become the rule.

Let but Hold Award: Where a few remaining parcels have not yet been acquired but it can be reasonably anticipated that acquisition will be completed prior to or within a few days after the letting, the project may be included in the bidding advertisement and bids may be taken. Acquisition must be completed before the project is awarded to the low bidder and before construction may proceed. To do this, an exception must be made. Exceptions can be made where acquisition is not complete 45 days after the PS&E due date. To request the exception and allow the project to be advertised it must be

included in the certification mentioned above which should be sent to BHRE no later than 50 days following the PS&E due date.

The above will allow the Ad meeting to have a definable date of project clearance.

Defer: Projects which do not meet the above requirements will not be advertised for letting.

R/W Certification Process

District (DTD) Real Estate and Design will coordinate their assignments so that the Certificate of Right of Way acquisition is furnished with each PS&E submittal.

Certificate of Right of Way (Form RE5005) Instructions

In all cases, **Form RE5005**, which indicates certification of completed right of way acquisition and clearance, shall accompany the PS&E transmittal.

The top half of this form (Line items 1-15) is always completed by the organization that is designing the project (either district design, traffic, maintenance or the consultant).

Further processing of this form depends upon the project circumstances. The section in charge of the project can certify any projects not requiring the purchase of additional Right of Way. All projects must address encroachments and hazardous waste in the existing right of way (please see the Memorandum on page 10-14 for additional procedures/instructions).

Detailed Instruction for Completing **Form RE5005**, along with a blank form are found on pages 10-15 through 10-18.

Department of Transportation
DTD, District 1, Madison
TSS / Real Estate

Date: September 16, 2002

To: District 1 Section Managers
District 1 Supervisors

From: Jay R. Buchite

Subject: Certificate of Right of Way for Project Certification

The section in charge of the project can certify any projects not requiring the purchase of additional Right of Way. All projects must address encroachments and hazardous waste in the existing right of way.

The real estate unit currently makes copies of the certification form and keeps a copy handy for easy reference if Central Office Real Estate calls with questions. The real estate unit will continue to maintain this file and will need a copy of all certifications signed by your section. Following is a list of the copies and current distribution of certification forms:

Original	State Real Estate Manager
1 copy	District 1 Real Estate Unit
1 copy	Construction project engineer
1 copy	Maintenance Section
1 copy	Survey Section
1 copy	Utilities Section
4 copies	Design Section

As your section processes the certification form, please be sure to forward copies to the above list.

The "Certificate of Right of Way" is on the "W" drive. To retrieve the document for processing, go to W:\PSE\STSPWORD\RE5005.dot. After completing the form, give it a new name and save it on your "U" drive.

Please share this information with your staff and others who may be preparing the new certification form. Thanks.

CERTIFICATE OF RIGHT OF WAY

Wisconsin Department of Transportation

RE5005 397

To Director, Bureau of Highway Real Estate Room 501 HFSTB		From Transportation District # Design and Real Estate		Date
Construction Project Number	Federal Aid Project Number	R/W Project Number		Letting Date
Highway		Description		County
Type of Work			Station	To Station

Encroachments (parcel/station still to be removed, by whom, estimated removal date) ☐ NoneEncroachments (parcel/station) left in place through the use of revocable permits ☐ Yes ☐ NoneHazardous Waste (parcel/station) - Explain remedy plan and estimated removal date ☐ Clear ☐ None

Identify Right of Way parcels required for this construction project letting (Fee, Temporary Interests, Construction Permits)

We certify the Right of Way status is 1, pursuant to 23 CFR 635.309 and other Federal regulation as appropriate because:

☐ No New Right of Way is Required

(Fee, PLE, Temporary Interests, Access Rights) The above information is accurate.

☐ New Right of Way is Required. (Forward to District Real Estate)

(Fee, PLE, Temporary Interests, Access Rights) The above information is accurate.

(Signature - District Design)

☐ Parcels not acquired☐ All Parcels are acquiredParcel NumberClosing DateAward DateRemarks☐ Relocation☐ NoneStructure RemovalParcel NumberRelocation DateReason for DelayTypeRemoval DateBy Whom

On behalf of the acquiring agency

☐ State☐ County☐ City☐ Village☐ TownWe certify the Right of Way status is (☐ 1, ☐ 2, ☐ 3) pursuant to 23 CFR 635.309 and other Federal regulation as appropriate.

(Signature - District Real Estate)

(Date)

Use more pages for additional information.

CERTIFICATE OF RIGHT OF WAY

Wisconsin Department of Transportation

RE5005 397

To Director, Bureau of Highway Real Estate Room 501 HFSTB		From Transportation District # Design and Real Estate		Date 1
Construction Project Number 2	Federal Aid Project Number 3	R/W Project Number 4	Letting Date 5	
Highway 6		Description 7		County 8
Type of Work 9			Station 10	To Station
Encroachments (parcel/station still to be removed, by whom, estimated removal date) <input type="checkbox"/> None				

11Encroachments (parcel/station) left in place through the use of revocable permits ☐ Yes ☐ None**12**Hazardous Waste (parcel/station) - Explain remedy plan and estimated removal date ☐ Clear ☐ None**13**

Identify Right of Way parcels required for this construction project letting (Fee, Temporary Interests, Construction Permits)

14

We certify the Right of Way status is 1, pursuant to 23 CFR 635.309 and other Federal regulation as appropriate because:

☐ **No New Right of Way is Required**

(Fee, PLE, Temporary Interests, Access Rights) The above information is accurate.

15☐ **New Right of Way is Required.** (Forward to District Real Estate)

(Fee, PLE, Temporary Interests, Access Rights) The above information is accurate.

(Signature - District Design)

☐ Parcels not acquired☐ All Parcels are acquiredParcel NumberClosing Date**16**Award DateRemarks☐ Relocation☐ NoneStructure RemovalParcel NumberRelocation DateReason for DelayTypeRemoval DateBy Whom**17****18**

On behalf of the acquiring agency

19☐ State☐ County☐ City☐ Village☐ TownWe certify the Right of Way status is (☐ 1, ☐ 2, ☐ 3) pursuant to 23 CFR 635.309 and other Federal regulation as appropriate.**20**

(Signature - District Real Estate)

(Date)

Use more pages for additional information.

PREPARATION OF CERTIFICATE OF RIGHT OF WAY ACQUISITION, FORM RE5005

Project Development Unit will fill out entries 1 through 15

- 1) Date of preparation of this form.
- 2) Construction Project Number.
- 3) Federal Aid Project Number if applicable.
- 4) Right of Way Project Number if applicable.
- 5) Date of this project letting.
- 6) Name of Highway. (Example, S.T.H. 55).
- 7) Project Termini. (Example, W.C.L. - Luxemburg).
- 8) Name of County.
- 9) Type of Work. (Example, Grading).
- 10) Beginning of Construction Project to End of Construction Project.
- 11) List encroachments in **existing** Right of Way. (See **District policy on encroachments shown on pages 10-15 and 10-16**).
 - a) Identify the encroachment.
 - b) List who will remove and by when. (Confer with Maintenance for this info.)
 - c) If no encroachments, check the appropriate box.
- 12) This item to be determined between Design and Maintenance. List the encroachments that will remain.
- 13) List the Parcel or Station, type of remediation and estimated removal date.
- 14) List the parcels required for **THIS CONTRACT ONLY**. Utility parcels needn't be listed. If no new R/W is required, enter "**NONE**".
- 15) Signature by either design, maintenance or traffic manager or supervisor, **ONLY** if no new R/W is required. Certification is now complete and may be forwarded to Central Office. If new R/W **IS REQUIRED, DO NOT SIGN** and forward to District Real Estate for Certification of R/W Status.

Preparation of Certificate of Right of Way Acquisition, Form Re5005 - continued

Real Estate Section will fill out entries 16 through 20 only if New R/W is required.

- 16) List all parcels not yet acquired, estimated closing dates, Award dates, or other pertinent info.
- 17) List parcel that will involve relocatees. Date persons were relocated or reason for delay.
- 18) List structure types to be removed, estimated date of removal and removed by whom.
- 19) Check the appropriate box as to who is the acquiring Agency. Also circle appropriate STATUS number.
- 20) Signature by Real Estate Manager, Supervisor or L.P.A. Coordinator.

DISTRICT POLICY ON ENCROACHMENTS

- 1) With the encroachment report, Design will provide a recommended action on each encroachment generally in terms of "must remove", "should remove" or "could permit" based on the following guidelines.
 - State if in safety zone - must remove encroachment
 - State if within grading/construction limits - design recommended action i.e. remove, revocable permits
 - State if outside grading/construction limits - design recommendation i.e. remove, revocable permit
 - Design to provide encroachment report to maintenance and real estate.
- 2) Maintenance is in charge of the highway right of way and upon reviewing the report, will make the decision on the disposition of each encroachment. Maintenance may request a meeting with the designer and real estate. If signs are involved, the District sign permit coordinator will be asked to participate because of his knowledge of the outdoor signing rules and regulations. The sign permit coordinator working with Real Estate will determine the disposition of all sign encroachments.
- 3) Maintenance will establish a reporting procedure on initial contact to accomplish voluntary removal. This document will be available to the Real Estate section in pursuing non-voluntary removals, if necessary. The Real Estate and Design Sections will provide appropriate assistance to implement Maintenance Section decisions.
- 4) It is noted that all encroachments falling within the letter of the law may not be removed for practical, cost benefit or common sense reasons. Encroachments may be resolved through lease or sale of land or through issuance of a revocable permit as appropriate.

PROJECT DEVELOPMENT STEPS IN THE ENCROACHMENT PROCESS

- 1) Design will continue to produce the encroachment reports with a couple of changes. Encroachments will be identified by Design, as either they **MUST BE REMOVED** or they **SHOULD BE REMOVED**. "Must be removed" are those that fall within the construction work zone (within the slope intercepts) **OR** they are a safety hazard. "Should be removed" are those within the existing or new R/W that are outside of the construction zone and they are not viewed as safety hazards. That leaves all the things that we would ordinarily recommend that a revocable permit be issued for. That is the 3rd category and includes items that are not safety hazards and are not reasonable to remove such as parts of buildings like overhangs, awnings, 2nd story signs, etc.
- 2) Design will begin adding the following to the encroachment reports. Indicate whether the encroachment is entirely or partly in the construction zone. Some sort of layout that shows the plan view or picture that will show pictorially how the encroaching item is located in relationship to the R/W line should be added.
- 3) Design will make a recommendation of the disposition of each encroachment and then forward to R/E and Maintenance. R/E will also make a recommendation to Maintenance of the disposition of each one. Maintenance will make the final decision on the action on each encroachment since they have the overall responsibility for keeping the R/W clear for the public.
- 4) Design will include a statement in the DSR about encroachments. If they are not clear by DSR time, insert a generic statement to the effect that the encroachments have been identified by D-1 Design and their disposition is being worked on by the District R/E and Maintenance sections.

DATE: March 8, 1994

TO: District 1 Chief Road Design Engineer

FROM: District 1 Design Supervisor

SUBJECT: Encroachment Report
Project I.D. xxxx-xx-xx
STH 35 - Hazel Green
STH 11, Grant County

Enclosed is the encroachment report for the above project, as prepared by Strand Associates, Inc. It identifies four encroachments of which three are signs and one is a 200' portion of a private driveway, which parallels STH 11.

Two of the signs are informational in nature and previously permitted by District 1 Traffic Section. They are within the clear zone and construction limits. The owners will remove them before construction. It is recommended they be allowed to remain and to be replaced following construction. It is recommended that the third sign be removed.

The driveway is used to access the owner's field and outbuildings. It is one of three currently. Through access control, the other two will be removed. Removal of the encroaching portion of this remaining driveway would require allowance of a second driveway or costly changes to the properties layout. Parking will not be permitted. The driveway is beyond the 30' clear zone limits. It is recommended it be allowed to remain under a revocable occupancy permit.

Your concurrence with these recommendations is requested.

REVIEWED AND APPROVED

District Chief Road Design Engineer

Date

Enclosure

cc: Dick Filsinger, C.O. Design

Encroachment Number	Station	Encroachment Type	Existing R/W from C/L	Encroachment Distance to C/L	Within Grading/ Construction Limits	Within Clear Zone	Anticipate R/W Purchase from Owner by Project xxxx-xx-xx	Height Above Ground	Encroachment Size (L X W)	Owner/ Occupant Address	Proposed Action*
E-1	144+26	Sign	65'	45' Rt.	Yes	No	No	3'	6' X 7'	(Sign Owner) Anthony A. McCullick, 2881 Hwy 11 Hazel Green, WI 53811	Remove
E-2	221+38	Sign	Intersection	1' Rt.	No	Yes	No	6'	6' X 4'	(Sign Owner) S. Patricia Davis, O.P., Dominican Motherhouse, Sinsinawa, WI 53824-9999	Signs Permitted per D1 Traffic
E-3	221+92	Sign	20'	10' Rt.	No	Yes	No	7'	6' X 1'	(Sign Owner) St. Joseph's School, RFD 1, Hazel Green, WI 53811	Signs Permitted per D1 Traffic
E-4	371+00 to 373+00	Gravel Driveway	55'	45' Lt.	No	No	Yes	N/A	200' X 10'	Roger B. Runde 1208 Hwy 11 Hazel Green, WI 53811	Revocable Permit

ENCROACHMENT PHOTO LOG



Encroachment Number: E-1

Station: 144+26

Distance to Centerline: 45'

Edge of Encroachment to Edge of Proposed Pavement: 33'

Existing R/W from Centerline: 65'

Owner Address: Anthony A. McCullick
2881 Hwy 11
Hazel Green, WI 53811

